

**THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO**

W.P. NO. 27073 of 2005

Dated: 13 -10-2006

Between:-

Venkat Madadi s/o Chenga Mandadi, Hindu, aged about 75 years, R/o Nallarallupalli village, G.D. Nellore Mandal & Post, Chittoor District.

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PETITIONER.

And

1. The Government of A.P. represented by the Superintendent of Police, Chittoor District, Chittoor,
2. The Station House Officer, G.D. Nellore PS, Chittoor District,
3. K. Krishna Mandadi s/o Ganga Mandadi, aged about 33 years, occ: Agriculture,
4. K. Subramanyam Mandadi s/o Ganga Mandadi, aged about 36 years, occ: Agriculture,
5. Bupal Mandadi s/o Ganga Mandadi, aged about 28 years, occ: Agriculture,
6. Giri Babu Mandadi s/o Subramanyam Mandadi, aged about 28 years, occ: Agriculture,
(Respondents 3 to 5 are residing at Nallarallapalli village, G.D. Nellore Mandal and Post, Chittoor District.)

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RESPONDENTS

**THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO**

W.P. NO. 27073 of 2005

ORDER (per Hon'ble Sri Justice D. Appa Rao)

The petitioner seeks issuance of a writ of Habeas Corpus for production of his sons, Balakrishna Mandadi and Hanumanthu Mandadi, on the ground that the 2nd respondent, the Station House Officer, G.D. Nellore Police Station, Chittoor District, illegally detained them on 08-11-2005.

2. He alleged in his petition that there are property disputes between him and respondents 3 to 6. The respondents 3 to 6 filed a private complaint against him and his sons before the learned IV Additional Judicial First Class Magistrate, Chittoor, for the alleged offences under Sections 147, 148, 427, 387, 430, 447 and 506 I.P.C. pertaining to a tamarind tree, which was referred to the police under Section 156 (3) Cr.P.C. On receipt of it, the 2nd respondent registered it as a case in Crime No. 53 of 2005 on 01-07-2005. A civil suit was also filed by the 3rd respondent in O.S. No. 91 of 2005 on the file of the learned I Additional Junior Civil Judge, Chittoor, without making them as parties, however, dismissed on merits. On 08-11-2005 the 2nd respondent called his sons to the police station and since then their whereabouts are not known. He had illegally detained them at the behest of the respondents 3 to 6.

3. The 2nd respondent filed counter alleging *inter alia* that

pursuant to the case registered against them, the detenues 1 and 2 were arrested on 07-02-2006 and 12-02-2006 respectively and they were produced before the learned IV Additional Judicial First Class Magistrate, Chittoor, who remanded them to judicial custody.

4. By the date of filing of the writ petition, the alleged detenues were neither arrested nor were produced before the learned Magistrate. While the petitioner has asserted that the detenues were taken into custody and being tortured, the 2nd respondent denied having taken them into custody and was torturing them. On 13-02-2006 the learned counsel for the petitioner submitted that the detenues were under arrested. They were unable to move in view of the injuries sustained by them in the hands of 2nd respondent. On that, a direction was given to the police to produce the detenues before the learned District and Sessions Judge, Chittoor, who in turn was directed to record their statements and submit a report.

5. The learned District and Sessions Judge, Chittoor, recorded the statements wherein the alleged detenues represented that they were kept in confinement and put to torture. The 2nd respondent filed his objection denying the fact. In view of the contradictory versions, this Court directed the 1st respondent the Superintendent of Police, Chittoor, to conduct an enquiry into the matter and submit his report. Accordingly, he submitted a detailed report on 05-04-2006 stating that the detenues were not detained illegally nor were subjected to ill treatment and they did not sustain any injuries.

6. The learned District and Sessions Judge, Chittoor, made a categorical mention that the 1st detainee, Balakrishna Mandadi, was released on 14-02-2006 and 2nd detainee, Hanumanthu Mandadi, was released on 13-02-2006 by the learned IV Additional Judicial First Class Magistrate on bail. In fact, a charge sheet was also filed and numbered as C.C. No. 15 of 2006.

7. In view of the fact that the detenues were admittedly released on bail after their production before the learned IV Additional Judicial First Class Magistrate, Chittoor, nothing survives in this writ petition. If the petitioner feels that the 2nd respondent had violated the law while arresting and detaining the detenues in custody, he can as well take appropriate action as he deems fit.

8. The writ petition is, accordingly, dismissed. No costs.

CHELAMESWAR,J

J.

RAO,J
Dated: 13 -10-2006
vp

D. APPA